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Perjury: The  
Hiss - Chambers CaseP. Weinstein, Allen  
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## Hiss: A New Book Finds Him Guilty as Charged

*On the basis of fresh evidence, a scholar concludes that he spied and lied*

**O**n a crisp day in January 1950, Alger and Priscilla Hiss sat in a Manhattan courtroom, he pressing his lips in a tight smile, she fingering her handbag. A federal jury was ready to pass judgment on whether he had lied in denying that he had given secret State Department documents to a Soviet agent in 1938. Intoned the forewoman: "We find the defendant guilty on the first count and guilty on the second." Showing almost no emotion, Hiss and his wife slowly walked out of the room, surrounded by a pack of lawyers and spectators.

Thus ended the great spy trial that pitted an elegant, aristocratic cynosure of the Eastern Establishment against a rumpled, relatively obscure, former Communist. For many Americans, the contest was an elemental struggle between good and evil, between leftist New Dealers and right-wing anti-Communists. It divided the nation, set off widespread fears that the State Department was infiltrated by Soviet agents, and helped launch Joseph McCarthy on his hunt for Reds. Moreover, the case gave national prominence to a fledgling California Congressman, Richard Nixon, who used the notoriety to help win a Senate seat in 1950 and the vice presidency in 1952.

The controversy over the trial has continued for nearly 30 years. Who was telling the truth? Was it the serene and unfailingly courteous Hiss, who went to Lewisburg prison for 44 months and today, at age 73, still professes innocence? Or was it his brooding, tormented accuser, Whittaker Chambers, who died on his Maryland farm in 1961? Despite a dozen books and hundreds of articles about the case, many of them little more than briefs

for one side or the other, the question has not been answered conclusively. Now Allen Weinstein, a respected historian at Smith College, has turned up previously undisclosed evidence that inexorably led him to this unqualified verdict: "The jurors made no mistake in finding Alger Hiss guilty as charged."

Weinstein carefully and persuasively documents his conclusion in an absorbing new book due to appear this spring, *Perjury: The Hiss-Chambers Case*,\* a copy of which was made available to TIME. The historian set out convinced that Hiss was innocent. He changed his mind during five years of research into a mass of records that had never before been studied. Among them were more than 40,000 pages of FBI files, which Weinstein obtained by suing under the Freedom of Information Act. The files of Hiss's own attorneys, which Hiss opened to Weinstein, yielded other revealing facts that

were kept hidden during the trial. The author also questioned more than 80 people who were connected with the Hiss-Chambers drama, including five former Soviet agents, and talked with Hiss on six occasions.

The last meeting between them took place in March 1976 in the office of Publisher Alfred A. Knopf, 21 floors above Manhattan's East 50th Street. After a few minutes of uneasy conversation, Weinstein told Hiss: "When I began working on this book four years ago, I thought I would be able to demonstrate your innocence, but, unfortunately, I have to tell you that I cannot; that my assumption was wrong." Hiss shifted slightly, looked

beyond Weinstein and said: "I'm not surprised." Later he added: "I've always known you were prejudiced against me." When the meeting ended, Weinstein told TIME Senior Correspondent James Bell last week: "I realized I'd never speak to him again. I offered my hand, but he stepped away. He wouldn't even look at me." Hiss told TIME that he was familiar with Weinstein's views but would not comment on them because the book had not yet been published.

In his interview with Bell, Weinstein said simply: "In the end, Chambers' version turned out to be truthful, and Hiss's version did not. Alger Hiss is a victim of the facts."

This judgment will not go unchallenged; when Weinstein published an article in the *New York Review of Books* almost two years ago detailing some of his findings, he stirred up a row, and his book is certain to do the same. For three decades, Hiss has waged a campaign for vindication, and next month he intends to ask the courts again for a new trial on the ground that the prosecution withheld vital evidence from him in 1949.

Hiss lately has been winning new sympathizers—some as a result of his son Tony's apologia, *Laughing Last*, and some who look on him as Richard Nixon's first victim. Ironically, Weinstein's book also discredits Nixon's performance, demonstrating that as a member of the House Un-American Activities Committee, he actually fell apart at critical points during the investigation (see box).

Before Chambers' charges of espionage cut him down, Hiss had seemed headed for a great future; some associates even thought he was a potential Secretary of State. One of the New Deal's bright young men, he worked briefly for the Agriculture Department and the Nye committee, which was investigating the



\*To be published in April (Knopf, \$15).

continued

arms manufacturers of World War I, and then joined the State Department. In the 1940s he rose almost effortlessly as a protégé of Secretary Edward Stettinius and his deputy, Dean Acheson, serving as an adviser to Franklin Roosevelt at the Yalta conference and as Secretary-General of the founding convention of the United Nations. In 1947, at age 42, he became president of the prestigious Carnegie Endowment for International Peace.

Eighteen months later, Chambers (then a senior editor of TIME) told HUAC that Hiss was a Communist. Not so, said Hiss, who also insisted that he had never known Chambers. But Chambers knew so many details about Hiss's life—including the fact that Hiss, an amateur ornithologist, had once spotted a rare prothonotary warbler on the banks of the Potomac—that his adversary was finally forced to reverse himself. Then Chambers made a more serious accusation: that Hiss had passed State Department secrets to him in the late 1930s.

As evidence, Chambers produced four memorandums in Hiss's handwriting and 65 pages of retyped State Department documents, all but one of them undeniably produced on Hiss's old Woodstock typewriter. A few weeks later, Chambers led HUAC investigators to a hollowed-out pumpkin, where he had hidden five rolls of film, two of them containing photographs of confidential Government dispatches that he said had been given to him by Hiss. Because of the statute of limitations, Hiss could not be tried for espionage. Instead, he was indicted on two counts of lying to a federal grand jury: for claiming that he had never given Chambers secret documents nor even met with him in February and March of 1938.

"Poor Chambers," Nixon remarked to an associate early in the investigation. "Nobody ever believes him at first." But Weinstein came away from his research convinced that Chambers usually told the truth. Among the new evidence the historian uncovered were answers—not always complete—to these questions:

**Was Chambers a Soviet agent?** Some Hiss supporters maintain that Chambers' account of life as an underground Soviet courier was largely fiction. In FBI records, however, Weinstein found depositions from ex-spies that confirmed parts of Chambers' story. Additional details were corroborated during interviews with Jozef Peters, who headed the American Communist Party's underground work in the 1930s and now lives in Budapest. Nadezhda Ulanovskaya, wife of Chambers' Soviet spy master in 1931-34 and now a resident of Israel, told Weinstein after reading Chambers' 1952 memoir *Witness*: "All of it I find perfectly in order."

Continues Weinstein in his book:



"Ella Winter [who was married to Muckraker Lincoln Steffens] recently recalled having been approached in her New York hotel room in 1933 by 'Harold Phillips,' whom she later identified as Chambers. Phillips asked Winter to transport a large sum of money from New York to California for the underground." She refused. Later, she turned down Chambers' request that she steal some pages from her friend William Bullitt's desk in Washington after Roosevelt appointed him the first U.S. Ambassador to the Soviet Union.

**Was Hiss a Communist?** Two close friends of Hiss's were Communists: Government Officials Henry Collins and Lee Pressman, who recommended Hiss for his Nye committee job. Another Communist,

**When did Hiss meet Chambers?** Hiss initially agreed with Chambers that they met in 1934, then switched to a January 1935 date. But Radical Novelist Josephine Herbst told Hiss's lawyers that Chambers began trying to recruit Hiss for undercover work in July or August 1934.

Hiss insisted that he stopped seeing Chambers by mid-1936—about 18 months before the period when Chambers claimed to have received secret documents from him. But in interviews with Hiss and one of his lawyers, Weinstein learned that Pediatrician Margaret Nicholson recalled for the Hiss defense team that she encountered a heavy-set, "very gruff man" at the Hiss home in January 1937. "You may not come in!" declared the man. Writes Weinstein: "From newspaper photographs in 1949, Dr. Nicholson recognized the man who had answered the door as Whittaker Chambers."

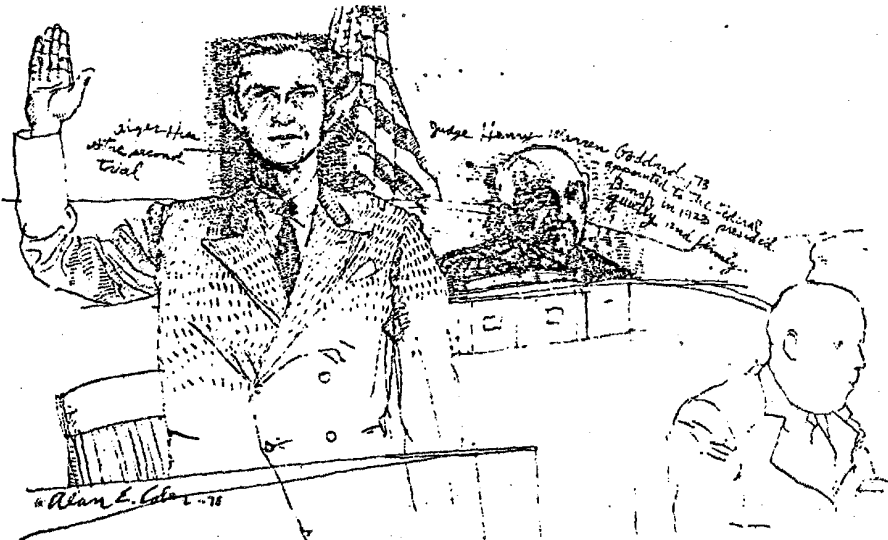


Nathaniel Weyl, told the FBI that Hiss attended meetings of a secret party cell in Washington as early as 1933.

Weinstein also turned up some tantalizing details of how Hiss's 1929 Ford roadster ended up in Communist hands. Hiss testified that he had given the car to Chambers in mid-1935 but changed his story when HUAC investigators established that Hiss actually sold it to an auto dealer on July 23, 1936. That same day the car was resold for \$25—less than half of its market value—to Communist William Rosen, who was acting as the middleman in a dummy transaction. Rosen's lawyer later told one of Hiss's attorneys that the deal had been arranged by "a very high Communist. His name would be a sensation in this case. The man who ultimately got the car is also a Communist."

**Was Hiss a Soviet agent?** Noel Field, a confessed Soviet agent in the State Department, and his wife Herta fled to Czechoslovakia in 1948 and were questioned by both Czechoslovak and Hungarian security officials. Czech Historian Karel Kaplan, who read the interrogation records 20 years later, told Weinstein that the Fields named Hiss as a Communist underground agent during the 1930s. Indeed, writes Weinstein, "Herta Field, when seized in Prague, initially believed that American intelligence agents had come to kidnap her and bring her back to give evidence against Hiss."

Chambers testified that he gave Hiss and three other agents Bokhara rugs in January 1937 as gestures of appreciation for their undercover work. Hiss admitted receiving a red oriental rug from Chambers, but said it was in 1935 and was par-



tial payment for a debt. Two other recipients told the FBI that they had received their rugs in early 1937. Moreover, a rug expert hired by the defense established from a description on a sales slip that Hiss's rug was apparently one of four that had been bought by a Communist agent for Chambers in December 1936.

**Was Hiss framed?** After Hiss's conviction, he insisted that Chambers had forged the 64 typewritten pages used as evidence at the trial. But, in the files of Hiss's lawyers, Weinstein found reports from two experts confirming that the documents were definitely typed on Hiss's Woodstock (serial number: N230099) by his wife Priscilla.

During December 1948 and January 1949, Hiss insisted to the FBI and a grand jury that he did not know what had happened to the typewriter; probably, he said, Priscilla had sold it to a junk dealer. But Weinstein found a letter in the defense files demonstrating that as early as Dec.

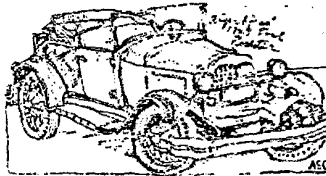
7, 1948, Hiss knew that Priscilla had given the typewriter in April 1938 to the son of a former maid. Says Weinstein: "While the FBI searched frantically for the machine, Hiss's brother Donald, aided by the maid's son, traced the typewriter in February 1949 but said nothing to the lawyers or the authorities. Two months later, Hiss's lawyer, Edward McLean, made a search of his own, found the machine and told the FBI that he had it." Thus, adds Weinstein, if the typewriter obtained by McLean was a fake, as Hiss later claimed, "the only two people, other than Alger Hiss, in a position to make a switch were Donald Hiss and the maid's son."

As the trial went on, even some of Hiss's attorneys began to doubt his innocence. Says Weinstein: "Several of them were persuaded that either Hiss or his wife committed perjury." Even Priscilla once

deserted his cause. Weinstein reports that in 1968, during a dinner in Chicago, she exploded in anger and, according to a guest, "announced that she was sick of all the lies and cover-ups."

**W**einstein found no conclusive proof that Hiss engaged in espionage after Chambers' defection from Communism in 1938. Still, CIA files show that Hiss in 1945 tried to obtain information from the agency's wartime predecessor, the Office of Strategic Services, on internal security matters in Britain, China, France and the Soviet Union. Says Weinstein: "It was obviously a bold move to collect highly classified intelligence data on those countries, whatever his use of the material might have been."

Another intriguing incident occurred in September 1945, when Soviet Ambassador Andrei Gromyko praised Hiss to Secretary of State Stettinius "for his fairness and his impartiality" and suggested that he be appointed temporary Secretary-General of the U.N. By that time, however, the FBI and the State Department's security staff were investigating Hiss's loyalty.



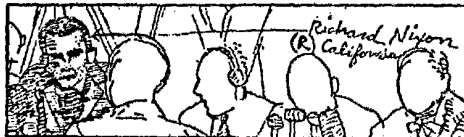
In 1946 Secretary of State James Byrnes cut Hiss off from confidential assignments and restricted his access to confidential documents. He was kept under surveillance, and even his

desk calendar was monitored. But there was no evidence of his disloyalty, not until Whittaker Chambers made his bombshell revelations two years later. Even then, enough doubts existed for Alger Hiss to wage a 30-year fight for vindication—a campaign that shows no signs of slackening, despite Weinstein's fresh evidence that he was guilty as charged. ■

## Nixon's Role: No Heroics

**R**ichard Nixon regarded the Alger Hiss case as his first major crisis, and one that he handled masterfully. As President, he frequently urged his aides to read the account of it in his autobiographical *Six Crises*. "Warm up to it, and it makes fascinating reading," he told H.R. Haldeman. Charles Colson claimed to have read the book 14 times. "The fact is," says Historian Allen Weinstein, "Nixon didn't behave very courageously during the Hiss case. He buckled under pressure."

At the climactic point—when the House Un-American Activities Committee was seeking documentary evidence from Whittaker Chambers to revive the flagging case against Hiss—Nixon and his wife left Washington for a cruise to Panama. "I don't think he's got a damned thing," he told Robert Stripling, who was HUAC's chief investigator. Writes Weinstein: "If Chambers' bomb-



shell fizzled, or if it exploded in Stripling's face, Nixon would be in Panama, far from the scene of carnage. He might be embarrassed but not discredited." The day Nixon left the country, Chambers turned over five rolls of film—two of them containing photographs of State Department documents. Three days later, Nixon made a dramatic return to the U.S. aboard a Navy seaplane.

The next day, Nixon was confronted with another crisis: the manufacturer of three rolls reported that they had been made in 1945, meaning that Chambers' evidence was forged. By Nixon's account, he reacted coolly, almost stoically. But

Stripling and other HUAC investigators told Weinstein that Nixon actually became almost hysterical, exclaiming: "Oh my God. This is the end of my political career." In abusive language, he blamed the investigators. He threatened to tell reporters

that "we were sold a bill of goods." Minutes later the film manufacturer phoned to say that there had been a mistake: the film had actually been made in 1937.